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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,205	08/20/2003	Kan Frankie Fan	13788US02	5467
23446	7590	11/14/2007	EXAMINER	
MCANDREWS HELD & MALLOY, LTD				LUU, LE HIEN
500 WEST MADISON STREET				
SUITE 3400				
CHICAGO, IL 60661				
ART UNIT		PAPER NUMBER		
		2141		
MAIL DATE		DELIVERY MODE		
11/14/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/644,205	FAN ET AL.
	Examiner	Art Unit
	Le H. Luu	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 September 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-15,17-25 and 27-34 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 32-34 is/are allowed.
 6) Claim(s) 1-5,7-15,17-25 and 27-31 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-5, 7-15, 17-25, and 27-34 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 7-15, 17-25, and 27-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pettey Pub. No. 2003/0014544.

4. As to claim 1, Pettey teaches the invention as claimed, including a method for posting buffers for a non-posting TCP application, the method comprising:

posting at least one generic buffer located in a memory external to a host adapter (Fig 5; page 10, paragraphs [0088 – 0089]); and

transferring incoming data for a TCP connection to said at least one posted generic buffer prior to the non-posting TCP application posting a TCP application posted buffer for said incoming data (page 10, paragraphs [0090 – 0091]).

5. As to claims 2-3, Pettey teaches allocating at least one generic buffer from a pool of available generic buffers upon receipt of said incoming data for said TCP connection; storing at least a portion of said incoming data in said allocated at least one generic buffer if said TCP application posted buffer is unable to accommodate said incoming data (page 10, paragraph [0090]).

6. As to claims 4-5, Pettey determining whether said incoming data for said TCP connection transferred to said at least one posted generic buffer is in sequence; assembling said incoming data in said at least one posted generic buffer if said incoming data is out of sequence (page 7, paragraphs [0066 – 0067]).

7. As to claims 7-8, Pettey teaches polling said at least one posted generic buffer by the non-posting TCP application to determine when said at least one posted generic

buffer contains data for said TCP connection; in response to said polling, notifying the non-posting TCP application when said incoming data is stored in said at least one posted generic buffer (pages 10-11, paragraphs [0092 – 0093]).

8. As to claims 9-10, Pettey teaches posting at least one generic buffer prior to said transferring of said incoming data for a TCP connection to at least a portion of available TCP application buffers; posting at least one posted generic buffer located in a memory internal to said host adapter (page 10, paragraph [0090 - 0092]).

9. Claims 11-15, 17-25, 27-31 have similar limitations as claims 1-5 and 7-10; therefore, they are rejected under the same rationale.

10. In the remarks, applicant argued in substance that

(A) Prior art does not teach generic buffer nor transferring incoming data for a TCP connection to said at least one posted generic buffer.

As to point (A), Pettey teaches generic buffer (message buffer 533) and transferring incoming data for a TCP connection to said at least one posted generic buffer (the message buffer 533 receives incoming TCP/IP transaction data which includes TCP/IP connections. Pettey, Fig 5; page 10, paragraphs [0088 – 0091].) Pettey's system includes all elements of a conventional TCP/IP stack for handling unaccelerated connections in addition to a new feature for accelerating TCP/IP connections.

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11. Applicant's arguments filed on 09/06/07 have been fully considered but they are not deemed to be persuasive.

12. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884.

The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIENT LUU
PRIMARY EXAMINER